

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 65th LEGISLATURE - REGULAR SESSION**

#### **JOINT APPROPS SUBCOM ON JUDICIAL BRANCH, LAW ENFORCEMENT, AND JUSTICE**

**Call to Order:** Chair Randy Brodehl, on February 16, 2017 at 8:00 AM, in Room 317A  
Capitol

#### **ROLL CALL**

**Members Present:**

Rep. Randy Brodehl, Chair (R)  
Sen. Ryan Osmundson, Vice Chair (R)  
Rep. Kimberly Dudik (D)  
Sen. David Howard (R)  
Rep. Ryan Lynch (D)

**Members Excused:**

Rep. Jimmy Patelis (R)  
Sen. Cynthia Wolken (D)

**Members Absent:** None

**Staff Present:** Greg DeWitt, Legislative Branch  
Alex Gray, Committee Secretary

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:** Executive Action on Office of State Public Defender and Committee work session on Supreme Court, Crime Control Division, Department of Justice and Department of Corrections.

**EXECUTIVE ACTION ON OFFICE OF STATE PUBLIC DEFENDER**

**Office of State Public Defender:**

00:00:05 Chair Brodehl

00:00:53 Scott Conrady, Legislative Fiscal Division (LFD)

[EXHIBIT\(jch34a01\)](#)

[EXHIBIT\(jch34a02\)](#)

00:03:19 Chair Brodehl

00:04:54 Bill Hooks, Chief Public Defender, Office of State Public Defender (OPD)

00:10:33 Sen. Howard

00:10:50 Chair Brodehl

00:11:27 Bill Hooks, OPD

00:12:17 Rep. Dudik

00:13:31 Bill Hooks, OPD

00:16:25 Sen. Howard

00:17:30 Rep. Lynch

00:17:51 Bill Hooks, OPD

00:20:15 Rep. Lynch

00:20:30 Bill Hooks, OPD

00:21:03 Chair Brodehl

00:21:15 Bill Hooks, OPD

00:25:03 Rep. Lynch

00:25:13 Bill Hooks, OPD

00:25:41 Rep. Dudik

00:25:55 Bill Hooks, OPD

00:26:27 Chair Brodehl

00:26:45 Bill Hooks, OPD

00:28:50 Chair Brodehl

00:28:56 Scott Conrady, LFD

[EXHIBIT\(jch34a03\)](#)

00:30:44 Rep. Dudik

00:31:08 **Motion:** Sen. Osmundson moved that **DP1 AND DP3 FOR ALL PROGRAMS WITHIN THE OFFICE OF PUBLIC DEFENDER BE ADOPTED.**

**Discussion:**

00:31:27 Scott Conrady, LFD

00:31:55 **Vote:** Motion carried unanimously by voice vote. Rep. Patelis and Sen. Wolken voted by proxy.

00:32:06 **Motion:** Sen. Osmundson moved that **DP8 FOR \$285,187 GENERAL FUND IN FY 2018 AND \$285,379 GENERAL FUND IN FY 2019, INCLUDING FUNDING FOR PERSONAL SERVICES TO FUND 5.00 FTE IN FY 2018 AND 5.00 FTE IN FY 2019 BE ADOPTED.**

**Discussion:**

00:32:35 Scott Conrady, LFD

00:33:10 **Vote:** Motion carried 6-1 with Sen. Howard voting no. Rep. Patelis and Sen. Wolken voted by proxy.

00:33:40 **Motion:** Sen. Osmundson moved that **DP19 TO RESTORE OPD PRESENT LAW SERVICES AS REQUESTED BE ADOPTED.**

**Discussion:**

00:34:07 Rep. Dudik

00:34:16 Scott Conrady, LFD

00:34:55 **Vote:** Motion carried 6-1 by voice vote with Sen. Howard voting no. Rep. Patelis and Sen. Wolken voted by proxy.

00:35:16 **Motion:** Sen. Osmundson moved that **DP20 FOR \$524,234 GENERAL FUND IN FY 2018 AND \$524,598 GENERAL FUND IN FY 2019, INCLUDING FUNDING FOR PERSONAL SERVICES TO FUND 8.00 FTE IN FY 2018 AND 8.00 FTE IN FY 2019 BE ADOPTED AS REQUESTED.**

**Discussion:**

00:35:26 Scott Conrady, LFD

00:36:02 Rep. Dudik

00:36:27 **Vote:** Motion carried 6-1 by voice vote with Sen. Howard voting no. Rep. Patelis and Sen. Wolken voted by proxy.

00:36:46 **Motion/Vote:** Sen. Osmundson moved that **DP133 FOR \$173,238 GENERAL FUND IN FY 2018 AND -\$410,858 GENERAL FUND IN FY 2019 CONTINGENT UPON PASSAGE OF HB 133 BE ADOPTED.** Motion carried unanimously by voice vote. Rep. Patelis and Sen. Wolken voted by proxy.

**Office of Appellate Defender:**

00:38:16 **Motion:** Sen. Osmundson moved that **DP19 FOR \$1,795,428 GENERAL FUND IN FY 2018 AND \$1,798,491 GENERAL FUND IN FY 2019, INCLUDING FUNDING FOR PERSONAL SERVICES TO FUND 14.00 FTE IN FY 2018 AND 14.00 FTE IN FY 2019 BE ADOPTED AS REQUESTED.**

**Discussion:**

00:38:37 Scott Conrady, LFD

00:39:03 **Vote:** Motion carried unanimously by voice vote. Rep. Patelis and Sen. Wolken voted by proxy.

00:39:21 **Motion:** Sen. Osmundson moved that **DP21 FOR \$163,631 GENERAL FUND IN FY 2018 AND \$163,631 GENERAL FUND IN FY 2019, INCLUDING FUNDING FOR PERSONAL SERVICES TO FUND 1.50 FTE IN FY 2018 AND 1.50 FTE IN FY 2019 FOR A MODIFIED REDUCTION OF 0.50 FTE BE ADOPTED.**

**Discussion:**

00:39:45 Scott Conrady, LFD

00:40:17 Rep. Dudik

00:40:38 **Vote:** Motion carried unanimously by voice vote. Rep. Patelis and Sen. Wolken voted by proxy.

**Conflict Coordinator:**

00:40:53 **Motion/Vote:** Sen. Osmundson moved that **DP19 FOR \$6,932,475 GENERAL FUND IN FY 2018 AND \$6,332,687 GENERAL FUND IN FY 2019, INCLUDING FUNDING FOR PERSONAL SERVICES TO FUND 3.00 FTE IN FY 2018 AND 3.00 FTE IN FY 2019 AS REQUESTED, BIENNIAL AND ONE TIME ONLY BE ADOPTED.** Motion carried unanimously by voice vote. Rep. Patelis and Sen. Wolken voted by proxy.

00:41:44 **Motion/Vote:** Sen. Osmundson moved that **DP20 FOR \$652,123 GENERAL FUND IN FY 2018 AND \$652,618 GENERAL FUND IN FY 2019, INCLUDING FUNDING FOR PERSONAL SERVICES TO FUND 6.00 FTE IN FY 2018 AND 6.00 FTE IN FY 2019 BE ADOPTED AS REQUESTED.** Motion carried unanimously by voice vote. Rep. Patelis and Sen. Wolken voted by proxy.

00:42:19 **Motion/Vote:** Sen. Osmundson moved that **DP59 FOR -\$104,160 GENERAL FUND IN FY 2018 AND -\$104,160 GENERAL FUND IN FY 2019 CONTINGENT ON PASSAGE OF HB 59 BE ADOPTED.** Motion carried unanimously by voice vote. Rep. Patelis and Sen. Wolken voted by proxy.

00:43:11 **Motion:** Sen. Osmundson moved that **DP319 FOR -\$600,000 GENERAL FUND IN FY 2018 BE ADOPTED.**

**Discussion:**

00:43:33 Scott Conrady, LFD

00:43:54 **Vote:** Motion carried unanimously by voice vote. Rep. Patelis and Sen. Wolken voted by proxy.

**Chief Administrator's Office:**

00:44:25 **Motion:** Sen. Osmundson moved that **DP2 FOR \$252,529 IN FY 2018 AND \$196,350 IN FY 2019 BE ADOPTED AS REQUESTED.**

**Discussion:**

00:45:09 Bill Hooks, OPD

00:45:23 Chair Brodehl

00:45:29 Malissa Williams, Office of Budget and Program Planning (OBPP)

00:45:43 **Vote:** Motion carried unanimously by voice vote. Rep. Patelis and Sen. Wolken voted by proxy.

00:45:57 **Motion:** Sen. Osmundson moved that **DP7 FOR \$25,000 GENERAL FUND IN FY 2018 BE ADOPTED.**

00:46:27 Scott Conrady, LFD

00:46:46 **Substitute Motion/Vote:** Sen. Osmundson made a substitute motion that **DP7 FOR \$25,000 GENERAL FUND IN FY 2018 ONE TIME ONLY BE ADOPTED.** Substitute Motion carried unanimously by voice vote. Rep. Patelis and Sen. Wolken voted by proxy.

00:47:16 **Motion:** Sen. Osmundson moved that **DP19 FOR \$2,108,848 GENERAL FUND AND \$273,925 STATE SPECIAL REVENUE IN FY 2018 AND \$2,109,927 GENERAL FUND AND \$273,925 STATE SPECIAL REVENUE IN FY 2019, INCLUDING FUNDING FOR PERSONAL SERVICES TO FUND 18.00 FTE IN FY 2018 AND 18.00 FTE IN FY 2019 BE ADOPTED AS REQUESTED.**

**Discussion:**

00:47:40 Scott Conrady, LFD

00:48:36 **Vote:** Motion carried unanimously by voice vote. Rep. Patelis and Sen. Wolken voted by proxy.

00:48:57 **Motion:** Sen. Osmundson moved that **DP53 FOR -\$6,382 GENERAL FUND IN FY 2018 AND -\$7,777 GENERAL FUND IN FY 2019 BE ADOPTED AS REQUESTED.**

**Discussion:**

00:49:07 Scott Conrady, LFD

00:49:25 **Vote:** Motion carried unanimously by voice vote. Rep. Patelis and Sen. Wolken voted by proxy.

00:49:38 **Motion/Vote:** Sen. Osmundson moved that **DP62 FOR \$273,925 GENERAL FUND AND -\$273,925 STATE SPECIAL REVENUE IN FY 2018 AND \$273,926 GENERAL FUND AND -\$273,926 STATE SPECIAL REVENUE IN FY 2019 BE ADOPTED.** Motion carried unanimously by voice vote. Rep. Patelis and Sen. Wolken voted by proxy.

00:50:25 Vice Chair Osmundson

00:50:47 Scott Conrady, LFD

00:50:58 **Motion/Vote:** Sen. Osmundson moved that **DP 19 ON PROGRAM 3 CONFLICT COORDINATOR BE AMENDED TO REMOVE BIENNIAL.** Motion carried unanimously by voice vote. Rep. Patelis and Sen. Wolken voted by proxy.

00:51:33 Vice Chair Osmundson  
00:51:48 Scott Conrady, LFD

00:52:08 **Motion:** Sen. Osmundson moved that **DP88 FOR \$500,000 GENERAL FUND IN FY 2018 AND \$500,000 GENERAL FUND IN FY 2019. OPD CONTINGENT FUNDING IN FY 2018 MAY BE EXPENDED ONLY AFTER THE BUDGET DIRECTOR CERTIFIES THAT THE AGENCY HAS IMPLEMENTED A CONSISTENT AND MEASURABLE STATEWIDE ELIGIBILITY DETERMINATION METHODOLOGY IN ALL REGIONS. OPD CONTINGENT FUNDING IN FY 2019 MAY BE EXPENDED ONLY AFTER THE BUDGET DIRECTOR CERTIFIES THAT THE AGENCY HAS IMPLEMENTED A MEASURABLE SOFT CAP SYSTEM FOR CONTRACT ATTORNEYS AS WELL AS A SYSTEM FOR POTENTIAL AWARD OF FLAT FEE CONTRACTS TO CONTRACT ATTORNEYS BE ADOPTED. STAFF IS GIVEN AUTHORITY TO WORK WITH LEGAL TO MAKE SURE THIS PASSES LEGAL REVIEW.**

**Discussion:**

00:53:04 Scott Conrady, LFD  
00:53:10 Vice Chair Osmundson

00:53:39 **Vote:** Motion carried unanimously by voice vote. Rep. Patelis and Sen. Wolken voted by proxy.

00:54:16 Vice Chair Osmundson  
00:54:21 Scott Conrady, LFD  
00:54:41 Vice Chair Osmundson  
00:54:47 Scott Conrady, LFD  
00:54:58 Chair Brodehl

00:55:09 Recess  
01:27:00 Reconvene

**WORK SESSION ON REMAINING DEPARTMENTS**

01:27:10 Greg Dewitt, Legislative Fiscal Division (LFD)

[EXHIBIT\(jch34a04\)](#)

[EXHIBIT\(jch34a05\)](#)

[EXHIBIT\(jch34a06\)](#)

**Montana Supreme Court:**

01:30:05 Chair Brodehl  
01:30:28 Greg Dewitt, LFD  
01:31:31 Chair Brodehl  
01:31:42 Beth McLaughlin, Montana Supreme Court  
01:32:41 Rep. Dudik  
01:33:06 Chair Brodehl  
01:34:19 Greg Dewitt, LFD  
01:37:16 Chair Brodehl  
01:37:51 Beth McLaughlin, Montana Supreme Court  
01:42:17 Greg Dewitt, LFD

01:43:02 Chair Brodehl  
01:43:24 Greg Dewitt, LFD  
01:43:58 Beth McLaughlin, Montana Supreme Court  
01:44:21 Chair Brodehl

**Crime Control Division:**

01:45:10 Greg Dewitt, LFD  
01:45:29 Chair Brodehl  
01:45:54 Greg Dewitt, LFD  
01:46:37 Chair Brodehl  
01:47:00 Deb Mateucci, Department of Corrections (COR)  
01:48:04 Chair Brodehl  
01:48:12 Greg Dewitt, LFD  
01:48:25 Vice Chair Osmundson  
01:48:38 Deb Mateucci, COR  
01:50:11 Chair Brodehl  
01:50:23 Greg Dewitt, LFD

**Department of Justice:**

01:51:07 Chair Brodehl  
01:51:20 Liz Bangerter, Department of Justice (DOJ)  
01:51:44 Chair Brodehl  
01:52:09 Liz Bangerter, DOJ  
01:54:25 Chair Brodehl

**Department of Corrections:**

01:54:39 Greg Dewitt, LFD  
01:59:09 Chair Brodehl  
01:59:17 Lorraine Wodnik, Interim Director, Department of Corrections (COR)  
02:00:06 Greg Dewitt, LFD  
02:02:48 Rep. Lynch  
02:03:06 Greg Dewitt, LFD  
02:03:40 Vice Chair Osmundson  
02:03:54 Greg Dewitt, LFD  
02:04:06 Rep. Lynch  
02:04:19 Chair Brodehl  
02:04:40 Greg Dewitt, LFD  
02:06:32 Chair Brodehl  
02:06:56 Vice Chair Osmundson  
02:07:08 Greg Dewitt, LFD  
02:08:04 Chair Brodehl  
02:08:28 Rep. Dudik  
02:08:49 Chair Brodehl

**ADJOURNMENT**

Adjournment:  
02:09:15

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Alex Gray, Secretary

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Additional Documents:

**EXHIBIT**([jch34aad.pdf](#))